

U.S. Department of Justice



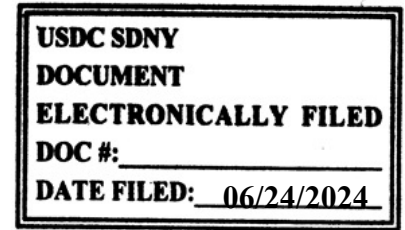
United States Attorney
Southern District of New York

86 Chambers Street
New York, New York 10007

June 22, 2024

VIA ECF

The Honorable Katharine H. Parker
United States Magistrate Judge
Daniel Patrick Moynihan
United States Courthouse
500 Pearl St.
New York, NY 10007



MEMO ENDORSED

Re: *Micheal v. United States Postal Service, et al.*,
No. 24 Civ. 98 (KHP)

Dear Judge Parker:

This Office represents Defendants the United States Postal Service and James Cantalupo (together, the “Government”),¹ in the above-referenced action. There is currently an Initial Case Management Conference scheduled for Wednesday, June 26, 2024, at 2:45 pm.

I write respectfully, with Plaintiffs’ consent, to request an adjournment of the conference. I seek this adjournment because I am scheduled to accompany a close family member to a previously scheduled, important medical appointment at the same date and time as the conference. I apologize that I did not bring this to the Court’s attention earlier; I overlooked this appointment when Plaintiff sought an adjournment of the previously scheduled hearing. I note that Plaintiff would be unable to attend a rescheduled conference on July 3, 2024. This is the Government’s first request to adjourn the conference; Plaintiff previously sought an adjournment, which the Court granted.

Further, the parties were due to submit a Report of Rule 26(f) Meeting and Proposed Case Management Plan by this past Wednesday, *i.e.*, one week before the Case Management Conference, and apologize for not yet submitting it. The parties previously conferred pursuant to Rule 26(f) of the Federal Rules of Civil Procedure and agreed to and filed a Case Management Plan when the case was assigned to Judge Liman. The parties will promptly complete this Court’s Report of Rule 26(f) Meeting and Proposed Case Management Plan, and file it on ECF.

Finally, Plaintiff requests that the Case Management Conference be held by telephone in light of the fact that the parties have agreed on a proposed discovery plan and do not anticipate

¹ The government notes that this Complaint was brought under the Federal Tort Claims Act (“FTCA”), and the only proper defendant in an FTCA action is the United States of America. *See Castro v. United States*, 34 F.3d 106, 110 (2d Cir. 1994); *Rivera v. United States*, 928 F.2d 592, 609 (2d Cir. 1991); 28 U.S.C. § 2679(a). Thus, the government has approached Plaintiff about stipulating to substituting the United States of America in place of the United States Postal Service and James Cantalupo.

having issues or disputes to discuss at the conference. The Government does not object to that request.

I thank the Court for its consideration of this submission.

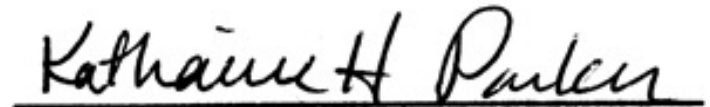
Respectfully,

DAMIAN WILLIAMS
United States Attorney

By: /s/ Mary Ellen Brennan
MARY ELLEN BRENNAN
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APPLICATION GRANTED: The Initial Conference set for 6/26/2024 at 2:45 PM in Courtroom 17D, 500 Pearl Street, New York, NY 10007 is hereby converted to a telephonic conference and rescheduled to Monday, August 5, 2024, at 12:00 p.m. Counsel for the parties are directed to call Judge Parker's AT&T conference line at the scheduled time. Please dial (866) 434-5269; access code 4858267.

APPLICATION GRANTED

A handwritten signature in black ink, reading "Katharine H. Parker", written over a horizontal line.

Hon. Katharine H. Parker, U.S.M.J.

06/24/2024